

February 18, 2020

U.S. Environmental Protection Agency
EPA Docket Center
Mail Code 28221T
1200 Pennsylvania Avenue NW
Washington, DC 20460

RE: Comments on Proposed National Emissions Standards for Hazardous Air Pollutants: Miscellaneous Organic Chemical Manufacturing Residual Risk and Technology Review

Submitted electronically to the Federal eRulemaking Portal (www.regulations.gov)

Docket ID No. EPA-HQ-OAR-2018-0746, 84 Fed. Reg. 69182 (December 17, 2019)

Dear Sir or Madam:

LANXESS Corporation (LANXESS) appreciates the opportunity to provide comments on the Environmental Protection Agency's (EPA's or the Agency's) proposed National Emission Standards for Hazardous Air Pollutants: Miscellaneous Organic Chemical Manufacturing Residual Risk and Technology Review published in the federal register on December 17, 2019 (84 Fed. Reg. 69182, hereafter the "Proposed Amendments" or the "MON RTR Proposal").

LANXESS is a globally operating specialty chemicals company with an expertise in producing, developing and marketing chemical intermediates, additives, specialty chemicals and engineering materials. Our products and solutions make relevant contributions to tackling challenges such as more environmentally friendly mobility, access to clean water, and feeding a constantly growing global population. As a Responsible Care® company, we are continuously working to improve our resource efficiency and avoid or minimize emissions to the air, soil, and water. For these reasons, LANXESS supports the EPA's rulemaking effort and provides the following comments to ensure that the final rule is appropriate and based on sound data and science.

1) *EPA's Emissions Analysis Was Incomplete*

As a preliminary step in developing the Proposed Amendments, EPA conducted a risk assessment to analyze the human health and environmental risks posed by

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hazardous air pollutant (HAP) emissions from the miscellaneous organic chemical manufacturing (MON) source category. EPA published the results of the risk assessment in EPA's Residual Risk Assessment for the Miscellaneous Organic Chemical Manufacturing Source Category in Support of the 2019 Risk and Technology Review Proposed Rule (Residual Risk Report), which appears in the docket (EPA-HQ-OAR-2018-0746-0011) for the Proposed Amendments. The risk assessment focused on 194 MON sources, located throughout the United States. However, EPA acknowledged in the preamble to the Proposed Amendments that "[a]lthough the development of the RTR emissions dataset involved quality assurance/quality control processes, the accuracy of the emissions values will vary depending on the source of the data, the degree to which the data are incomplete or missing, the degree to which assumptions made to complete the dataset are accurate, errors in emission estimates, and other factors."¹ This equivocation is particularly relevant to emissions assigned to LANXESS.

EPA explained in the Proposed Amendments that "[i]n November 2018, the EPA issued a request, pursuant to CAA section 114, to gather information about process equipment, control technologies, and emissions, and requested performance testing for certain pollutants for one MCPU source emitting ethylene oxide. The facility completed the survey and submitted responses (and follow-up responses) to the EPA between January 2019 and February 2019. The results of the performance testing were received on September 3, 2019, and, therefore, were not included in the risk analysis."² That MCPU source is associated with a facility that LANXESS acquired in February 2018 (the "Site"). EPA goes on to state that before finalizing the rule, "EPA intends to use the collected information to assist the Agency in filling data gaps, establishing the baseline emissions and control levels for purposes of the regulatory reviews,"³ and "[a]ny changes received after November 2018 will be considered for incorporation in the final rule."⁴ To that end, LANXESS welcomes the opportunity to work with EPA, to ensure EPA uses accurate data in its revised analysis.

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¹ EPA. 2019. Residual Risk Assessment for the Miscellaneous Organic Chemical Manufacturing Source Category in Support of the Risk and Technology Review 2019 Proposed Rule. 84 Fed. Reg. 69182 at 69195.

² *Id.* at 69196.

³ *Id.*

⁴ *Id.* at 69190.

2) EPA's Baseline Risk (Maximum Individual Risk or "MIR") Presented in the Proposed Standard for LANXESS is Significantly Overestimated

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As a general matter, EPA "determined that the actual emissions data are reasonable estimates of the MACT-allowable emissions levels" to establish baseline emissions for the MON source category.⁶ LANXESS supports this determination. But, LANXESS objects to the fact that EPA did not use this approach for LANXESS and unnecessarily identified the company by name in the Proposed Amendments based on a different standard.

For 194 MON facilities, EPA prepared emissions modeling input files using data contained in the 2014 National Emissions Inventory ("NEI").⁶ "EPA created a whole facility modeling file using all HAP emissions records from the 2014 NEI."⁷ "The EPA then created the source category modeling input file by identifying the specific NEI emissions records in the whole facility modeling input file that are subject to the MON by reviewing the facilities' title V air permits, unit source classification code (SCC), emission unit descriptions, and process descriptions."⁸ For all other sources, actual operating data from calendar year (CY) 2014 was input into EPA's baseline Human Exposure Model (HEM). This approach was not used for LANXESS.

For the LANXESS facility, EPA disregarded accurate actual 2014 emissions data for storage tanks and process vents. EPA estimated emissions for fugitives "using component counts from the facility's Title V permit application and emission factors, and [modeling input files] were not based on measured emissions." Notably, EPA acknowledged that this calculated emission estimate was higher than what was reported in the 2014 NEI and the 2014 Toxic Release Inventory.⁹ EPA further stated that the emissions from "LANXESS Corporation are likely biased high."¹⁰ Our review of EPA's Residual Risk Report and associated background documentation confirms this.

The initial HEM significantly overstated the baseline risk associated with LANXESS at 2000-in-1 million. When actual data is utilized in the HEM, the revised baseline

⁵ *Id.*

⁶ *Id.* at 69188.

⁷ *Id.* at 69189

⁸ *Id.*

⁹ *Id.* at 69216.

¹⁰ *Id.* at 69219.

risk for the Site drops below 300 -in-1, before the application of any MON RTR Proposal requirements.¹¹

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LANXESS recognizes that EPA was under a timeline to issue the Proposed Amendments and did the best it could with the existing data, and LANXESS appreciates that in the preamble to the Proposed Amendments, EPA acknowledged data gaps and flaws in its analysis and the need to review additional data before issuing a final rule. But, LANXESS objects to the fact that EPA specifically identified the LANXESS facility in the Proposed Amendments as a high risk site when EPA used a different approach to establishing baseline emissions as compared with all other MON facilities, and LANXESS strongly objects to EPA proposing a more stringent control technology standard specifically for its facility based on incomplete data and a different standard than that which was applied to all other facilities.

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To provide accurate documentation for the public record and to the risk assessment, LANXESS requests that EPA correct the baseline risk in accordance with the following data:

- a) **EO Tank Farm Scrubber (C-202): EPA Modeled 53% CE and Uncontrolled Potential Emissions – Actual Confirmed Scrubber CE >99.9%**

The LANXESS facility has three (3) scrubbers that provide control of ethylene oxide (EO) emissions: the Tank Farm Scrubber (C-202) and the OSU Train 1 and 3 Scrubbers (F-4182 and F-4216, respectively).

The Tank Farm Scrubber (C-202) was specifically designed to control emissions from EO and propylene oxide storage and transfer operations, while the OSU Train 1 and 3 Scrubbers (F-4182 and F-4216, respectively) were designed to control emissions from batch production operations with multiple pollutants present.

LANXESS estimated emissions associated with EO storage tank utilizing a destruction removal efficiency (CE) of 99% for the Tank Farm Scrubber (C-202) in 2014. This CE was based upon a design evaluation from the scrubber vendor per the requirements outlined in 40 CFR 63.982(b)(1)(i), as referenced and allowed under the current MON standard for Group 2 storage tanks. For the OSU Train 1

¹¹ See Summary of Support Efforts Regarding HEM-3 Residual Risk Modeling for the LANXESS Facility in Charleston, SC prepared by RAMBOLL and included as Attachment 1 herein.

and 3 Scrubbers, LANXESS historically estimated emissions utilizing a CE of 53% and 35% respectively, based on a 2008 MON performance test.

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EPA conducted a site visit to the LANXESS facility in June 2018. As a follow up, LANXESS provided calendar year 2014 EO actual emission estimates for the C-202 Scrubber utilizing a CE of 99%, along with the design evaluation documentation, as requested during the EPA site visit.

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EPA chose to disregard the 2014 EO actual emissions data for the C-202 Scrubber provided by LANXESS and instead calculated potential emissions using the Title V application and assumed only 53% CE for the C-202 Scrubber in their analysis, as stated in the Residual Risk Assessment Review (RRAR)¹², Section 3.4.6.1.

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In June 2019, LANXESS conducted performance testing on the C-202 Scrubber in response to a Clean Air Act Section 114 request from EPA¹³. EPA acknowledged in the RRAR that LANXESS performed this testing, but EPA did not evaluate the 2019 data prior to issuing the Proposed Amendments. EPA confirmed that the data from the 2019 performance test was not used in the preamble to the Proposed Amendments when it stated, "[t]he results of the performance testing were received on September 3, 2019, and therefore, were not included in the risk analysis.....Before final promulgation of this rulemaking, the EPA intends to use the collected information to assist the Agency in filling data gaps, establishing the baseline emissions and control levels for purposes of the regulatory reviews, identifying the most effective control measures, and estimating the environmental impacts associated with the regulatory options considered and reflected in this proposed action."¹⁴

The June 2019 testing of the C-202 Scrubber establishes that the C-202 Scrubber achieves greater than 99.99% CE and that the 2014 actual emissions data provided to EPA for the C-202 Scrubber were in fact an over statement of emissions, not an understatement. Thus, use by EPA of a 53% CE for analysis of emissions associated with the C-202 Scrubber, compounded with the use of potential emissions loading in lieu of actual operations data, was incorrect and contributed to the severe overestimation of LANXESS' baseline risk.

Based on EPA's own calculation of controlled emissions from an EO storage tank to a level of 99.9% (using potential emissions), the risk for the LANXESS facility is reduced to 500 in 1 million, as shown in Table 7 from the preamble to the

¹² Docket ID: EPA-HQ-OAR_2018-0746-0011

¹³ Docket ID: EPA-HQ-OAR_2018_0746_0022

¹⁴ 84 Fed. Reg. 69182 at 69186.

Proposed Amendments. LANXESS is achieving greater than 99.9% CE for its EO storage tank and thus, even without updating any other input values, the 2,000 in 1 million risk is grossly overestimated.

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Table 7—Estimated Risk Impacts After Implementation of Proposed Controls

Control scenario	Mitigation (million)	Population	21-4n-1 million	>100- in-1 million	Cancer Incidence	Uncertainty
Pre-Control Baseline	2,000 (Lanxess), 300 (Huntsman)	2,900,000	18,000	0.2		
+ Storage Tank Controls	500 (Lanxess), 300 (Huntsman)	2,900,000	1,500	0.1	The effect of process vent and storage tank controls on emissions is well understood and generally certain.	
+ Process Vents Controls	400 (Lanxess), 300 (Huntsman)	2,400,000	780	0.1		
Barrier, + Equipment Leak Control Option 1	200 (Lanxess), 300 (Huntsman)	2,300,000	300	0.1	Fugitive emissions estimates are uncertain and based on engineering calculations. Therefore, there is uncertainty regarding the relevance of the proposed equipment leak controls (Lanxess, Huntsman). Modeled fugitive emissions may be subject to other NESHAP which likely results in an overestimation of risk (Huntsman).	
GT, + Equipment Leak Control Option 2	100 (Lanxess), 200 (Huntsman)	2,100,000	90	0.1		

LANXESS emissions, like the other MON facilities, should be analyzed based on CY 2014 actual emissions. As such, LANXESS requests that EPA update the emission estimate for the Site to reflect a CE of 99.9% for the C-202 Scrubber and use CY 2014 actual emissions data, which establishes a 0.0107 TPY baseline for Scrubber C-202.

Source	EPA's Baseline EO Emissions reported by EPA (TPY)	Emissions of EO submitted by LANXESS in 2014 EI (TPY)	Emissions of EO based on 2019 source test CE (99.9%) and 2014 actual hours of operation (TPY)
Storage Tank	7.52	0.107	0.0107

The calculations supporting use of the corrected value are included as Attachment 2 for reference.

b) OSU Train 1 and Train 3: EPA Utilized Potential Emissions and CE in Lieu of Accurate 2014 NEI Ethylene Oxide Emissions from Process Vents

In 2008, the facility conducted performance tests on the OSU Train 1 and Train 3 Scrubbers (F-4182 and F-4216, respectively). The outlet emissions from this testing, combined with actual hours of production operation, were used to report EO emissions from these units (i.e. after control emissions) historically, and in 2014. The scrubbers were tested again in June 2019 in response to the CAA Section 114 Request. The 2019 data confirmed the prior test results.

As with Scrubber C-202, in preparation of the Proposed Amendments, EPA chose not to use the accurately reported 2014 EO emissions associated with the OSU Train 1 and Train 3 Scrubbers and instead calculated potential emission rates using the facility's 2012 Title V Application. As shown in the table below, this use of allowable emissions rather than actual emissions resulted in a modeling input of almost twice the actual emissions reported for OSU Train 1 and Train 3 Scrubbers. The data supporting this new value are included in **Attachment 2** for reference.

Source	Baseline EO Emissions in the Proposed Amendments (TPY)	Emissions of EO in 2014 EI (TPY)	Emissions of EO based on 2019 source test and 2014 actual hours of operation (TPY)
Process Vents	0.825	0.427	0.421

The method EPA used in the Proposed Amendments for LANXESS was not consistent with the method EPA utilized to review risk for the other MON facilities. EPA's use of potential emission rates for the process vents added to the inflation of baseline emissions associated with the LANXESS facility. LANXESS respectfully requests that EPA use the accurately reported values contained in the CY 2014 emissions inventory for OSU Train 1 and Train 3 Scrubbers to establish the baseline for risk.

c) EO Fugitive Emissions and Equipment Leaks were Overestimated by EPA

Speciated emissions were not provided in the CY 2014 emissions inventory for the LANXESS facility. The facility only reported overall VOC emissions from the EO production line. For the risk assessment, EPA utilized a calculation that took into account potential component counts from the facility's 2012 Title V Application combined with constituency data from stack test information that EPA had available. While LANXESS understands EPA's need to estimate EO emissions from equipment leaks using the available data, the details of this calculation are not provided in the docket for review. But, as a general matter, LANXESS does not

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agree with estimating fugitive emissions based on potential emissions in lieu of 2014 actual emissions.

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Separately, LANXESS notes that the HEM evaluated equipment leak sources as area sources. Area sources are utilized most often in dispersion models to represent surface-based fugitive releases such as lagoons, storage ponds or storage piles. An area source has a flat plume beginning at the release height, which is then dispersed as it moves downwind. Elevated fugitive releases that may be multi-level in nature (e.g. pipe racks) have more of a vertical component and are thus better represented in the model as volume sources. Volume sources allow modelers to characterize the source dimensions (horizontal and vertical) more appropriately, giving the initial plume dimensions which better reflect the source itself.

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LANXESS requests that EPA update the equipment leak source parameters to a volume source versus an area source to better represent equipment leak emissions. LANXESS also requests that EPA update the risk model inputs to properly reflect the true EO specific emissions from equipment leaks at the LANXESS facility. EPA should use current equipment counts, composition of EO in the streams, the emission factors from Table 6 of EPA's equipment leak evaluation memorandum and the facility's actual hours of operation in 2014.¹⁵ Using this approach, emissions from equipment leaks for LANXESS is estimated at 0.228 tons per year of EO. The calculations supporting this new value are included as Attachment 3 for reference.

Source	EPA's Baseline EO Emissions (TPY)	Emissions of EO by LANXESS in 2014 EI (TPY)
Equipment Fugitives	0.40	0.228

d) LANXESS True Baseline Risk: 270 in 1 Million when CY 2014 Actual Emissions Are Utilized

Using each of the above revised emissions estimates and volume source parameters, LANXESS re-ran the HEM using inputs summarized below and calculated a baseline risk of 270-in-1 million for the LANXESS facility.¹⁶ A 270-in-1

¹⁵ EPA's equipment leak memorandum is found at EPA-HQ-OAR-2018-0746-0004.

¹⁶ Rounding to 1 significant figure, which is the approach used by EPA when reporting cancer risk values, the baseline is adjusted to 300 in1 million. See RAMBOLL Summary (Attachment 1).

million risk baseline - before the application of any MON RTR Proposal requirements - is significantly lower than the 2,000-in-1 baseline risk assigned to LANXESS in the Proposed Amendments.

LANXESS BASELINE EMISSIONS

Source ID	Source Description	Emissions (TPY)
CEEL0017	Fugitives (Equipment Leaks)	0.228
CEPV0007	Process Vents (BISCEP-Train1/Train3)	0.427
CESP0008	Storage Tanks (EO Tank C-202 Scrubber)	0.0107

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3) Co-Proposed Control Options for Equipment Leaks

In the MON RTR Proposal, EPA identifies two options for controlling emissions from applicable equipment in ethylene oxide service: "Control Option 1" and "Control Option 2". Control Option 1 proposes that all light liquid pumps "in ethylene oxide service" be monitored monthly at a leak definition of 1,000 parts per million (ppm), all gas/vapor and light liquid connectors "in ethylene oxide service" be monitored annually at a leak definition of 500 ppm, and that all leaks are repaired within 15 days. Control Option 2 is more stringent than Control Option 1 and, additionally, would require that pumps "in ethylene oxide service" are leakless and monitored annually for no emissions, connectors "in ethylene oxide service" are monitored monthly at a leak detection of 100 ppm, and all leaks are repaired within 15 days, with the first attempt at repair to be made within 5 days for the two "high emitting facilities" (i.e. LANXESS and Huntsman). EPA's stated goal for the co-proposed control options is to reduce cancer risks for MON facilities to no more than 100-in-1 million.

a) Two Standards

As a general matter, LANXESS does not object to EPA generically considering more than one option for controlling emissions associated with equipment leaks, nor does LANXESS object to EPA subjecting higher emitting facilities to more stringent standards. But, LANXESS strongly objects to EPA using different standards between facilities when determining whether to regulate a facility or for making applicability determinations. LANXESS sees no justification for EPA to tailor a standard to a particular company or facility. To do so is discriminatory. LANXESS further objects to the establishment of any control measure or standard that is based on incorrect data or a lack of information. To so regulate any entity

would be arbitrary. Rather, EPA should more appropriately identify generic emission thresholds above which Control Option 2 would apply.

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b) Control Option 1 Successfully Reduces LANXESS Risk to Acceptable Levels and Control Option 2 is not necessary to Mitigate Residual Risk at the LANXESS MON Facility

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To evaluate facilities' EO risk, post MON RTR Proposal implementation, EPA developed allowable emission estimates and applied the proposed control standards for storage tanks and process vents. Because EPA used a conservatively high and, as described above, inaccurate initial emissions estimate for the LANXESS facility's baseline, the post control emission estimates are also high for LANXESS. And, as EPA aptly stated with regard to LANXESS and Control Option 2, "because ethylene oxide equipment leak emissions were derived from engineering calculations and not based on measured values, there is considerable uncertainty regarding the appropriateness of the proposed LDAR and control provisions for light liquid pumps, gas/vapor and light liquid valves."¹⁷

With regard to the control of fugitive emissions related to equipment leaks, EPA estimated post control emissions using a calculated "percent reduction". EPA estimated that Control Option 1 would reduce fugitives by 44.4% as shown in Table 12 of EPA's equipment leak memorandum.¹⁸ Based on the information set forth above, EPA is now aware that fugitive emissions associated with the LANXESS facility are almost half of the value assigned by EPA in the Proposed Amendments. When a reduction factor of 44.4% is applied to LANXESS' corrected baseline for equipment leaks (0.228 US TPY), calculated post control emissions are 0.127 TPY.

The overestimation of the baseline emissions for process vents and storage tanks associated with the LANXESS facility also resulted in an overestimation of post control emissions for these sources. In order to obtain an accurate post control scenario, LANXESS updated post control emissions for storage tanks and process vents.

For the process vent emissions, when the average tested emission rate from the 2019 source testing is used, for the inlet streams to OSU Train 1 and Train 3 Scrubbers, with maximum operations and proposed control of 99.9%, post control EO emissions are 0.0038 TPY.

¹⁷ 84 Fed. Reg. 69182 at 69216.

¹⁸ EPA-HQ-OAR-2018-0746-0004.

For storage tanks, emissions occur from unloading/loading of the tank (working losses) and breathing losses. Thus, storage tank emissions were derived by estimating time to unload/load the amount of EO required to produce the maximum amount of the product that uses EO (BISCEP) at the Site (i.e., 8,760 hr./yr.). The maximum hours of operation for the storage tank was estimated at 1,200 hours per year. When 99.9% control efficiency is applied to the average tested emission rates from the 2019 source testing for the inlet stream to the C-202 Scrubber, resulting post control EO emissions from the storage tank are estimated to be 0.0108 TPY.

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LANXESS Post Control Emission Estimates

Source ID	Source Description	Emissions (TPY)
CEEL0017	Fugitives (Equipment Leaks)	0.127
CEPV0007	Process Vents (BISCEP-Train1/Train3)	0.0038
CESP0008	Storage Tanks (EO Tank C-202 Scrubber)	0.0108

When the HEM is rerun for LANXESS, utilizing all corrected inputs discussed herein rounded to 1 significant figure, which is the approach used by EPA when reporting cancer risk values, the correct residual risk associated with LANXESS is 100-in1 million.¹⁹ As such, LANXESS satisfies the EPA goal of reducing cancer risks to no more than 100-in-1 million with implementation of Control Option 1. Backup calculations supporting all revised inputs and the revised HEM Models for both the baseline and post Control Option 1 cases are attached for reference and post control estimates.

Based on the above, LANXESS respectfully requests that EPA retract its characterization and direct identification by name of the LANXESS facility as a high risk site and instead group LANXESS with the other companies that are subject to Control Option 1.

c) EPA's proposed definition of "in ethylene oxide service"

In section IV.C.2 of the preamble to the Proposed Amendments, EPA proposed that process vents and storage tanks "in ethylene oxide service" either use a control device achieving 99.9% emissions reductions, control emissions using a non-flare control device that reduces ethylene oxide to less than 1 part per million

¹⁹ See RAMBOLL Summary (Attachment 1).

by volume (ppmv) or (for process vents only) emit less than 5 pounds per year for all combined process vents, or control emissions using a flare that meets the proposed flare standards.

EPA specifically proposed defining "in ethylene oxide service" for process vents to include any batch and continuous process vent in a process that, when uncontrolled, contains a concentration of greater than or equal to 1 ppmv undiluted ethylene oxide, and when combined, the sum of all these process vents would emit uncontrolled, undiluted ethylene oxide emissions greater than or equal to 5 pounds per year (2.27 kilograms per year).

For storage tanks of any capacity and vapor pressure, EPA proposes to regulate any tank where the concentration of ethylene oxide in stored liquid is greater than or equal to 1 part per million by weight (ppmw), excluding "vessels storing organic liquids that contain HAP only as impurities" and "pressure vessels designed to operate in excess of 204.9 kilopascals and without emissions to the atmosphere" listed in the definition of "storage tank" at 40 CFR 63.2550(i).

LANXESS requests that EPA reconsider the thresholds identified in the proposed definition based on a belief that the regulation may well encompass a much larger number of storage tanks and process vents than accounted for in the rulemaking record. In the preamble, EPA indicates that the Agency expects five facilities will be subject to the process vent and/or storage tank provisions, and three additional facilities will be subject to the equipment leak provisions. EPA based the number of affected facilities on information contained in the 2014 NEI, supplemented with additional information where available. However, EPA has not accounted for the fact that EO is used as a reactant/intermediate in the production of a variety of chemicals and other products and the end products often contain residual amounts of unreacted ethylene oxide. And levels of EO found in many such products are greater than 1 ppm (e.g. ethylene glycol). While the proposed definition of "in ethylene oxide service" for storage tanks seems to acknowledge the issue by excluding "vessels storing organic liquids that contain HAP only as impurities", LANXESS is concerned the exclusion does not go far enough and, due to ambiguity in the drafting and a failure to define "impurity", a much larger universe of storage tanks and process vents would be subject to regulation.

EPA has not documented the substantial cost of compliance for those facilities that may store and use a chemical that contains ethylene oxide just over the concentration threshold, but for which emissions are negligible. Additionally, nowhere has the Agency demonstrated that process vents and storage vessels with concentrations of ethylene oxide at levels as low as 1 ppm pose any unacceptable risk. EPA should not promulgate a definition for "in ethylene oxide

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service” based on concentration values for which the Agency has provided no justification.

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4) *EPA's use of 2014 National Air Toxics Assessment (NATA) and the Updated 2016 Ethylene Oxide Unit Risk Estimate (URE) Resulted in Conclusions in its Risk Analysis that Are Flawed*

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On September 18, 2018, the American Chemistry Council (ACC) submitted to EPA a Request for Correction under the Information Quality Act regarding ethylene oxide information used in the 2014 NATA. The basis for the request was that the ACC was concerned that EPA's 2014 NATA used a significantly flawed risk value for EO. The ACC will again submit comments in connection with the Proposed Amendments that reflect similar concerns. As a member of the ACC, LANXESS participated in discussions regarding EPA's use of the 2014 NATA and the unit risk estimate (URE) value EPA used for EO based on the 2016 Integrated Risk Information System (IRIS) value in the risk review conducted for the Proposed Amendments. LANXESS fully supports the concerns raised by the ACC with regard to the EO risk value and the impact that value has on the findings and conclusions reached for risk and technology changes in the Proposed Amendments. With regard to LANXESS specifically, when any of alternative URE's proposed by the ACC are applied to LANXESS the baseline prior to application the MON RTR Proposal requirements falls well below the residual risk goal of 100 in 1 million.²⁰

Conclusions

EPA has determined that residual risks for the MON source category are “unacceptable” and that the current standard does not provide an ample margin of safety to protect public health. To reduce risks to an acceptable level, EPA is proposing additional requirements for process vents, storage tanks, and equipment “in ethylene oxide service”. Once these requirements are implemented, EPA concludes that risks are “acceptable” and provide an “ample margin of safety” to protect public health and the environment.

In conducting its risk assessment, EPA utilized a number of highly conservative assumptions which have the effect of overestimating health risks, particularly with regard to the LANXESS facility identified by name in the draft. EPA also did not use the same standard of review when assessing emissions associated with LANXESS as compared with the other facilities subject to potential regulation. For this reason, the LANXESS facility was unnecessarily identified by EPA as a high

²⁰ See RAMBOLL Summary (Attachment 1).

risk emitter and therefore subject to additional regulations beyond those that are applicable to nearly all other MON facilities.

LANXESS appreciates the opportunity to set the record straight with regard to its emissions and will continue to work with EPA to ensure that any action taken is based on accurate and appropriate data.

Sincerely,



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